

MDL 1570 PLAINTIFFS' EXECUTIVE COMMITTEES

In re: Terrorist Attacks on September 11, 2001 (S.D.N.Y.)

| Plaintiffs' Executive Committee for Personal Injury and Death Claims | Plaintiffs' Executive Committee for Commercial Claims |
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| Ronald L. Motley (1944-2013) Jodi Westbrook Flowers / Donald A. Migliori, <i>Co-Chairs</i> MOTLEY RICE LLC James P. Kreindler, <i>Co-Chair</i> KREINDLER & KREINDLER LLP | Stephen A. Cozen, <i>Co-Chair</i> Sean Carter, <i>Co-Chair</i> COZEN O'CONNOR |
| Andrew J. Maloney III, <i>Co-Liaison Counsel</i> KREINDLER & KREINDLER LLP Robert T. Haefele, <i>Co-Liaison Counsel</i> MOTLEY RICE LLC | J. Scott Tarbutton, <i>Liaison Counsel</i> COZEN O'CONNOR |

VIA ECF

October 12, 2021

The Honorable Sarah Netburn
Thurgood Marshall United States Courthouse
40 Foley Square, Room 430
New York, NY 10007

RE: *In Re: Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (GBD) (SN)
Under Seal -- Subject to FBI Protective Order

Dear Judge Netburn:

The undersigned members of the Plaintiffs' Executive Committees (PECs) write to address language added late in the edits exchanged between counsel for the Kingdom and for Kreindler for the joint letter concerning the Kingdom's discovery requests directed to Kreindler & Kreindler and John Fawcett, indicating that "Kreindler & Kreindler objects to the other PECs' request to have any additional review period. Kreindler & Kreindler undertakes to protect all privileges and work product, including those common to all PECs, and the additional level of review is redundant." ECF No. 7251 at p. 6, n. 5.

As we made clear during the phone call with Emily Kirsch, counsel for Kreindler, on Thursday, October 7, 2021, she was retained to represent Kreindler, and does not represent the PECs or the non-Kreindler PECs' members. Each of the firms and lawyers comprising the PECs (and their clients) has an independent privilege interest in the PECs' communications, and the undersigned have not consented to allow Kreindler or its appointed attorney, to control the management or presentation of any privilege claims that may be available to the non-Kreindler members of the PECs. We have requested an opportunity to review any materials implicating our and our clients' privileges in advance of any disclosure or production of a privilege log to the Kingdom or other parties to afford us a fair opportunity to assess our privilege claims.

The undersigned emphasize that we are not interested in complicating the Court's inquiry concerning the Isikoff leak in any way, and we have no substantive concerns relating to the content of our communications concerning our responses to the leak. We do, however, have prudential concerns

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rooted in our understandable position that counsel for the Kingdom should not be rummaging around in communications among members of the PECs. We seek a fair opportunity to participate in the process relating to privileged PECs' communications solely for the purpose of managing those concerns.

Respectfully submitted,

COZEN O'CONNOR

By: /s/ Sean P. Carter

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For the Plaintiffs' Exec. Committees

cc: The Honorable George B. Daniels (via ECF)

All counsel of record via ECF